

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

May 20, 2002

RESPONSIBLE STAFF:

Jennifer Russel

AGENDA ITEM:

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Historic District
<input type="checkbox"/>	Consent Item
<input checked="" type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Policy Discussion
<input type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	1/7/02
Advertised	1/16/02
	1/23/02
	1/30/02
	2/6/02
Hearing Date	3/18/02
Record Held Open	3/28/02
Policy Discussion	

TITLE:

Ordinance Establishing Zoning of Approximately 4.19 Acres of land, Known as the Crown Property, Located Adjacent to the Present City Limits, at the Intersection of Story Drive and Crown Farm Drive

SUPPORTING BACKGROUND:

This is the ordinance establishing the zoning of approximately 4.19 acres of land, known as the Crown Farm Property as part of Annexation Petition X-180. This petition was initiated by the City of Gaithersburg in conjunction with the purchase of the parcel with Program Open Space Funds.

The annexation petition requests rezoning of the property that is presently zoned R-200 (Single-family Residential) in Montgomery County to the City's R-A (Low-Density Residential) Zone. The City intends to record a covenant on the parcel that will limit development and retain the subject property as open space.

On February 6, 2002, the Planning Commission held their public hearing on the X-180 annexation request. The Planning Commission, at their February 20, 2002 meeting, closed their record, and forwarded a recommendation for approval of the annexation petition to the Mayor and City Council. The Montgomery County Planning Board reviewed the petition at their March 7, 2002 meeting and recommended supporting the annexation request, noting that the annexation did not need to be reviewed by the County Council.

The Mayor and City Council held a public hearing on X-180 on March 18, 2002 and held the record open for 10 days. There were no additions to the record.

Attached: Ordinance

DESIRED OUTCOME:

Adopt ordinance

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING ZONING
OF APPROXIMATELY 4.19 ACRES OF LAND,
KNOWN AS THE CROWN FARM PROPERTY,
LOCATED ADJACENT TO THE PRESENT CITY LIMITS,
AT THE INTERSECTION OF CROWN FARM DRIVE AND STORY DRIVE

ANNEXATION X-180

WHEREAS, Article 23A §9(C) of the Annotated Code of Maryland provides that no municipality annexing land may, for a period of five years following annexation, place that land in a zoning classification which permits a land use substantially different from the use for the land specified in the current and duly adopted master plan without express approval of the County Council; and

WHEREAS, the City of Gaithersburg is proposing to annex 4.19 acres of land located at the intersection of Crown Farm Drive and Story Drive and more particularly described hereinafter. The site is currently zoned R-200 in Montgomery County in accordance with the recommendations of the 1990 Shady Grove Study Area of the Gaithersburg Vicinity Master Plan. The City proposes to rezone the site after annexation to the City's R-A (Low Density Residential) Zone; and

WHEREAS, under the annexation proposal, the site would be rezoned from the County's R-200 zone to the City's Low Density Residential (R-A) Zone, and retained in open space; and

WHEREAS, the Montgomery County Planning Board in its report to the City supported the annexation of the subject parcel, noting that the proposed R-A zoning category was consistent with the land use recommendation of the 1990 Shady Grove Study Area Master Plan; and

WHEREAS, The Montgomery County Planning Board further concluded that the absence of land use or zoning issues raised by the proposed annexation obviated the need for its review by the County Council; and

WHEREAS, this reclassification will be consistent with the City's Master Plan in the area which recommends options of low-density residential or open space.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, in public meeting assembled, that the hereinafter-described property being a portion of land annexed to the City by Resolution No. R- -02, be and it hereby is classified in the R-A (Low-Density Residential) Zone.

DESCRIPTION OF PROPERTY
PORTION OF THE CROWN ESTATE

PARCEL D

Beginning at a point on the northerly right-of-way line of Crown Farm Drive (formerly Fields Road) as shown on Plat No. 6, Right-of-Way Plat, Sam Eig Highway (Montgomery County Department of Transportation R/W Plat File No. 258) said point being 39.06 feet left of Baseline Station 10+57.32 for Fields Road and running thence with said right-of-way line, as now surveyed and shown on a boundary survey entitled "Crown Estate," dated December 16, 1991 (File No. BS-354B), prepared by Dewberry & Davis, Architects - Engineers - Planners - Surveyors, 804 West Diamond Avenue, Gaithersburg, Maryland to which reference is hereby made

1. North 48° 48' 00" West, 53.19 feet; thence
2. South 73° 34' 12" West, 5.00 feet to a point 27.589 feet right of Baseline Station 14+00 for Story Drive as shown on said plat and running thence with the easterly right-of-way line of Story Drive as shown on plat of subdivision entitled "Shady Grove Village" recorded in Plat Book 86 Plat 9069
3. North 08° 58' 00" West, 675.50 feet; thence running with the southerly line of Shady Grove Village Condominium, recorded among the Condominium Plats of Montgomery County, Maryland as Plats #174 - #185
4. North 74° 32' 44" East, 230.01 feet to the northwest corner of Parcel A as shown on a plat of subdivision entitled, "Plat Two, Washingtonian Village" recorded in Plat Book 112 Plat 13125 and running thence with the westerly line thereof and also with the westerly line of "Plat One, Washingtonian Village" recorded in Plat Book 112 Plat 13124.
5. South 12° 10' 10" East, 759.00 feet to a point on the northerly right-of-way of Crown Farm Drive (formerly Fields Road) as previously mentioned and running thence with said right-of-way line
6. South 85° 00' 40" West, 223.48 feet to the point of beginning, containing 182,893 square feet or 4.1987 acres of land, subject to conditions of record.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Mayor and City Council of the City of Gaithersburg, in public meeting assembled that classification to the R-A (low-Density Residential) Zone is in best interests of the health, safety and general welfare of the inhabitants of the City, and is in compliance with the provisions of Article 23A, §9(C) of the Annotated Code of Maryland, as amended.

ADOPTED by the City Council this 20th day of May, 2002.

DELIVERED to the Mayor of the City of Gaithersburg, Maryland this 20th day of May, 2002. Approved by the Mayor of the City of Gaithersburg, this 20th day of May, 2002.

SIDNEY A. KATZ, Mayor

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of the City of Gaithersburg in public meeting assembled on the 20th day of May, 2002, and that the same was approved by the Mayor of the City of Gaithersburg on the 20th day of May, 2002. This ordinance will become effective on the ____ day of _____, 2002.

David B. Humpton, City Manager